

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL NO. 13-CR-30049-DRH

BRENDEN T. CEPAITAS,

Defendant.

**PRELIMINARY ORDER FOR FORFEITURE PURSUANT
TO FED.R.CRIM.P. 32.2 WITH RESPECT TO BRENDEN T. CEPAITAS**

HERNDON, Chief Judge:

In the Indictment filed in the above cause on March 19, 2013, the United States sought forfeiture of pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) of property possessed by defendant, Brenden T, Cepaitas. The Court hereby finds that the following property is forfeitable and hereby orders forfeited the following property:

One Hi-Point Firearm, Model C9, 9mm semi-automatic pistol, bearing serial number P1613533; and any and all ammunition contained therein.

The United States shall provide notice of the forfeiture and the right of persons other than the defendant who have any claim or legal interest in any of the property to file a petition with the Court. The notice shall be provided in a manner consistent with Supplemental Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The notice shall state that the petition shall be set for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

The United States shall, also to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order for Forfeiture, as a substitute for the published notice to those persons so notified.

Upon the filing a petition alleging the third-party interests in the property, the court may amend this order to resolve the claimed third-party interests.

The United States Marshal or the custodian for the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall seize and reduce to his possession, if he has not already done so, the above-described property.

This Order, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, shall become final with respect to Defendant Brenden T. Cepaitas at the time of the defendant's sentencing, regardless of whether or not the rights of actual or potential third-party petitioners have been determined by that time. This Order shall be made part of the sentence of defendant Brenden T. Cepaitas and shall be included in the Judgment imposed against the defendant. Although this Order will be a final order with respect to the defendant at the time of sentencing, this Order may later be amended with respect to petitions filed by third-parties claiming an interest in the subject-matter forfeited property.

DATE: July 17, 2014

Digitally signed by
David R. Herndon
Date: 2014.07.17
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**Chief Judge
United States District Court**